HON'BLE THE CHIEF JUSTICE SHRI G.S. SINGHVI
AND
HON'BLE SHRI JUSTICE C.V. NAGARJUNA REDDY

WRIT PETITION No. 5238 OF 2007

Between:

Kesana Sankara Rao

... Petitioner

And

The Secretary,
Department of Revenue (Rehabilitation),
Hyderabad & others

... Respondents

:: O R D E R ::

Counsel for the petitioner : Dr.A.M. Krishna for
Shri K. Rama Koteswara Rao

16.03.2007

Per G.S. Singhvi, CJ

In this petition filed in the name of public interest litigation, the petitioner has prayed for issue of a mandamus to the respondents to pay house damages and other reliefs in terms of G.O.Ms.No.1157 dated 13.08.2006 without restricting the limit of Ac.2.50 cents of land pertaining to Kuchinapudi Assembly Constituency, Guntur District.

In the affidavit filed by him, the petitioner has averred that he is engaged in social activities since the age of 18 years and is presently in-charge of Telugu Desam Party at Kuchinapudi Assembly Constituency. He is also said to have contested election to the

Andhra Pradesh Legislative Assembly from Kuchinapudi Assembly Constituency in April 2004, though unsuccessfully. In paragraphs 4 and 5, he has averred that a large number of residents of Kuchinapudi Assembly Constituency were badly hit due to cyclone 'Ogni' which struck the area on 27.10.2006. He has then alleged that even though the State Government had issued G.O.Ms.No.1157 dated 13.08.2006 for giving relief to the victims of cyclone and floods, most of the residents of Kuchinapudi Assembly Constituency have not been given the benefit of the policy contained in the said G.O.

We have heard Dr. A.M. Krishna appearing for Shri K. Rama Koteswara Rao, advocate for the petitioner and scanned the affidavit. In our opinion, the petitioner has failed to establish his locus as a public spirited person and the material placed before the Court is too scanty to grant relief in terms of the prayer made. If the petitioner was really espousing the public cause, then he would have taken the trouble to identify the victims of cyclones and other natural calamities and given the particulars of loss suffered by them. He would also have made representation to the government to redress their grievance in terms of G.O.Ms.No.1157 dated 13.08.2006. However, the affidavit filed by the petitioner is conspicuously silent not only about the services rendered by him qua those who suffered on account of cyclones and other natural calamities, but also the basic particulars, which are necessary for entertaining the claim of cyclone victims. In our considered view, the petitioner has failed to discharge the burden which lay on him to prima facie establish that the government has not taken steps to rehabilitate the cyclone victims or pay compensation to them.

For the reason afore-stated, the writ petition is dismissed. However, in order to obviate the necessity of filing similar petitions by

others and also with a view to ensure that relief is given to the victims of the cyclone and similar natural calamities whose cases are covered by G.O.Ms.No.1157 dated 13.08.2006, we direct the respondents that the representation, if any made by the affected person should be considered and decided within a period of two months and the decision be communicated to the representationist at the end of two months' period.

As a sequel to dismissal of the writ petition, WPMP No.6687 of 2007 filed by the petitioner for interim relief is disposed of as infructuous.

G.S. SINGHVI, CJ

C.V. NAGARJUNA REDDY, J

16.03. 2007

Note:
The Court Officer is directed to give attested copy of this order to the Special Government Pleader for being forwarded to the concerned department of the government.
(By order)
ksld